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21

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,844	03/16/2004	Carol G. Lilly		1534
7590	09/29/2005		EXAMINER	
Carol G. Lilly 1320 Lance Court Lebanon, OH 45036		HANSEN, JAMES ORVILLE		
		ART UNIT		PAPER NUMBER
		3637		

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/800,844	LILLY, CAROL G.
	<b>Examiner</b>	<b>Art Unit</b>
	James O. Hansen	3637

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 July 2005.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 2-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 2-4 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 15 July 2005 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings were received on July 15, 2005. These drawings are not approved by the examiner for the following reasons:
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "interior wall" [a reference "10" is represented, but is not assigned to any apparent structure], the "recess", the "means to fasten the stationary slide to the wall", the "means to provide clearance between normally abutting faces", the "means to fasten horizontally...", and the "means to engage said abutting faces" must be clearly shown or the feature(s) canceled from the claim(s). **No new matter should be entered.**

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the

examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 2-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 2 fails to recite sufficient structural elements and the interconnection of the elements to positively position and define the "article" so that an integral structural apparatus is defined which is able to function as claimed. As an example, Claim 2 recites a wall, a cabinet, a cover, and slide assemblies, but the claim does not interconnect the cover to any of the other elements and merely states "disposed directly in front of the open forward portion of the cabinet" [this can be interpreted as the cover just sitting next to the cabinet within a room for example]. It appears that the slides should be structurally and functionally related to both the cabinet and the cover so that the article is properly defined. In Claim 3, the phrase "a means to provide clearance between normally abutting faces on the..." is not clearly understood as to what constitutes said "means". In Claim 4, the phrase "a means to engage said abutting faces and by..." is not clearly understood as to what constitutes said "means".

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Frazier [U.S. Patent No. 1,876,407] in view of Slivon [U.S. Patent No. 5,992,956]. Frazier (figures 1-4) teaches of an interior-decorating article (fig. 1) comprising an interior wall (depicted in fig. 3); a recess (note fig. 3) in the interior wall; a cabinet (10) having an open forward portion (shown in fig. 2), the cabinet being dimensioned for containment within the recess in the wall and is capable of storing audio video equipment is so desired by the user; a decorative wall cover (13) disposed directly in front of the open forward portion of the cabinet, the decorative wall cover comprising an unfinished side (back side) and a finished side (front side), the wall covering finished side comprises a framed mirror; a plurality of slides (17, 18) able to one move the cover between fully extended and retracted positions; and a means (via member (11)) to fasten the slides to the wall and spaced apart by a distance adequate for concealment of the open forward portion of the cabinet, the slides centered above and below relative to the open forward portion of the cabinet, with the slides being level with respect to one another. Frazier teaches applicant's inventive claimed structure as disclosed above, but does not show "telescoping" slide assemblies. Slivon (figures 1-6) is cited as an evidence reference to show that it was known in the art to provide telescoping slide assemblies (50) on a vertically positioned sliding member (40). Accordingly, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the

invention was made to modify the article of Frazier by incorporating telescoping slides as taught by Slivon because this arrangement would provide Frazier with the means to completely move the cover beyond the open portion of the cabinet thereby permitting unrestricted access to contents that may be located within the cabinet while decreasing the frictional forces between the cover and the cabinet due to the ball race array.

7. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frazier in view of Singh [U.S. Patent No. 6,416,145]. Frazier (figures 1-4) teaches of an interior decorating article (fig. 1) comprising an interior wall (depicted in fig. 3); a recess (note fig. 3) in the interior wall; a cabinet (10) having an open forward portion (shown in fig. 2), the cabinet being dimensioned for containment within the recess in the wall and is capable of storing audio video equipment is so desired by the user; a decorative wall cover (13) disposed directly in front of the open forward portion of the cabinet, the decorative wall cover comprising an unfinished side (back side) and a finished side (front side), the wall covering finished side comprises a framed mirror; a plurality of slides (17, 18) able to one move the cover between fully extended and retracted positions; and a means (via member (11)) to fasten the slides to the wall and spaced apart by a distance adequate for concealment of the open forward portion of the cabinet, the slides centered above and below relative to the open forward portion of the cabinet, with the slides being level with respect to one another. Frazier teaches applicant's inventive claimed structure as disclosed above, but does not show "telescoping" slide assemblies. Singh (figures 1-8) is cited as an evidence reference to show that it was known in the art to provide telescoping slide assemblies (17a, 17b) on a sliding member (13), with a release latch (37, 35) located on a load-carrying slide.

Art Unit: 3637

Accordingly, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the article of Frazier by incorporating telescoping slides as taught by Singh because this arrangement would provide Frazier with the means to completely move the cover beyond the open portion of the cabinet thereby permitting unrestricted access to contents that may be located within the cabinet, restrict movement of the slide assembly to a preset position via the latch, while decreasing the frictional forces between the cover and the cabinet due to the ball race array.

***Allowable Subject Matter***

8. Pending further review and consideration, Claim 4 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

9. Applicant's arguments with respect to the new claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Smith describes a sliding mirror assembly. Edward describes a recessed wall cabinet.

Art Unit: 3637

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 571-272-6866. The examiner can normally be reached on Monday-Friday between 8-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3637

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James O. Hansen  
Primary Examiner  
Art Unit 3637

JOH

September 27, 2005